



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Jonathan Slater, commission with Nesta under his Independent Consultancy.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up a role with Nesta under your independent consultancy. The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer Nesta, based on the information provided by you and your former departments.
3. The Committee considered whether this appointment was unsuitable given your former role as Permanent Secretary at the Department for Education (DfE) and Nesta's work in the education sector. The Committee must also consider the information provided by the DfE and the Cabinet Office about any potential conflict. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risk presented

5. In this role you will provide advice on Nesta's potential projects and strategic decisions, as well as its forthcoming portfolio of projects and the outputs of work

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code.

to date. The Committee² considered this commission falls broadly within the scope and advice previously offered on your consultancy, which you said would draw on your generic skills and experience to deliver advisory work for local government.

6. When considering this application, the Committee noted the DfE held contracts with and issued funding to Nesta whilst you were in office. Though you held responsibility as Permanent Secretary, the DfE and the Cabinet Office confirmed you were not directly involved in these processes and did not have contact with Nesta during this time. The Committee also noted the departments' confirmation that decisions you made in office did not specifically affect Nesta. As such it considered there is no evidence you were offered this role as a result for actions taken whilst in office.
7. The Committee took into account there is an overlap with your time in office - specifically with regard to your work in education. However, as above you were not responsible for decisions affecting Nesta and, in relation to the education sector more broadly, you are prevented from drawing on privileged information. Further, you have been out of office for more than 16 months, reducing the likelihood that any privileged information is sufficiently up-to-date.
8. There are also risks associated with your network of contacts gained in government service which could lead to the perception your influence might assist Nesta unfairly. This is especially relevant as Nesta has contractual and funding relationships with the government, including with your former department.

The Committee's advice

9. The Committee considered the conditions which apply to your consultancy are appropriate in the circumstances. The Committee would draw your attention to the lobbying restriction and the restriction on providing advice on the terms of a bid or contract relating directly to the work of the UK government, imposed below. These conditions mitigate the risk you could be seen to offer an unfair advantage to Nesta in respect to your contacts across government. The Committee noted this was in keeping with your role as described.
10. The Committee advises, under the Government's Business Appointment Rules, that your commission with Nesta be subject to the conditions of your consultancy:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Crown service;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government and its arms'

² This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty.

length bodies on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in Crown service you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government and its arms' length bodies; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

11. By '*privileged information*' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.
12. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister '*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office*'.
13. You must inform us as soon as you take up this work, or it is announced you will do so. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.
14. Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Yours Sincerely,

William Young
Committee Secretariat

Annex - Material information

The role

1. Nesta is an innovation foundation based in the UK. Its website says it designs, tests and scales new solutions to society's biggest problems.
2. You said you have been asked to carry out part-time, paid advisory work that relates to improving public services. This involves providing '*Expert advice on NESTA's education work programme, including advice on potential projects and strategic decisions*'. You also said you would be providing advice '*...on NESTA's forthcoming portfolio of projects and the outputs of work to date*'. You confirmed the work you have been asked to do is all internal to Nesta, and you will not be involved in any lobbying of government. You said this appointment will not include contact with your former department or government more generally.

Dealings in office

3. You advised the Committee you did not meet with Nesta whilst in office. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to Nesta, and held no commercial or contractual responsibilities relating to them. You also said you did not meet with competitors of the charity.

Department Assessment

4. The DfE and the Cabinet Office confirmed the details you provided, stating they have no concerns with the appointment.
5. The DfE and the Cabinet Office confirmed that whilst in government you had no official dealings with Nesta or its competitors. The departments also confirmed you were not involved in the awarding of contracts to Nesta.
6. The DfE and the Cabinet Office confirmed you do not have access to any privileged information that would provide Nesta an unfair advantage.
7. The DfE and the Cabinet Office confirmed its spend with Nesta for contracts/funding in the last 4 years has been between £2million and £3million each year. Its projects with Nesta have included the following:
 - A partnership on an evaluation programme launched in Autumn 2020, focusing on Covid's challenge for the education sector.
 - A joint Innovation Fund Competition for technology companies (finishing in December 2021).
 - EdTech Innovation and R&D Funds, using DfE grants to support education establishments to use technology, were initiated whilst JS was Permanent Secretary. This grant was a direct award and the department said it followed correct internal procedures. JS's involvement was limited to a discussion on purdah and the timing of the announcement of

innovation fund winners (significantly after the awarding of funds to Nesta).

- A direct grant to Nesta to deliver the CareerTech Challenge Fund, a competition for organisational DfE funding.
 - Some DfE funding was indirectly provided to Nesta - a separate organisation, the Education Endowment Fund, distributed funding through a consortium of organisations including Nesta, to deliver the National Tutoring Programme. DfE did not influence the consortium make up.
8. The DfE and the Cabinet Office said there is a '*...slight risk of a perception of conflict of interest [...] given that Nesta was directly awarded grant funding whilst Jonathan was Permanent Secretary*' - but the departments did not consider there was any conflict. The departments said whilst the DfE made various awards to Nesta whilst you were Permanent Secretary, you were not directly involved in these decisions and 16 months have passed since you left the department.
9. The DfE and the Cabinet Office recommended the standard conditions. They recommended that the conditions note your role '*...will not involve any government engagement (and that a new application would be required if this changed) and reminding the applicant of his ongoing duty of confidentiality of information gained as a civil servant are recommended*'. DfE said '*An explicit condition banning the applicant from working on and advising on any bids to secure government funding or contracts may also be appropriate, and would mitigate the risks that current DfE colleagues have raised about a perceived conflict of interest*'.